

DUNNEGAN LLC
ATTORNEYS AT LAW
350 FIFTH AVENUE
NEW YORK, NEW YORK 10118

212-332-8300
212-332-8301 TELECOPIER

September 29, 2009

Via Telecopy
(914) 390-4179

Hon. Stephen C. Robinson
United States District Judge
Hon. Charles L. Brieant Jr.
Federal Building and Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

MEMO ENDORSED

Re: SEB v. Montgomery Ward
99 Civ. 9284 (SCR)

Dear Judge Robinson:

We are attorneys for defendants Pentalpha and Global-Tech in the above action.

We are writing to request a conference to address the issue of whether the Court should vacate the October 2, 2008 judgment in this action pursuant to Rule 60(b)(6) on the ground that SEB, in its September 2, 2009 response in the United States Patent and Trademark Office, disclaimed the subject matter of Pentalpha's accused products and should therefore have no claim for patent infringement.

The detailed basis of our motion is set forth in support of our order to show case, which we presented yesterday, but which was not signed. In essence, SEB argued to the PTO on September 2, 2009, to preserve its patent over the prior art, that its patent did not apply to (i) products which had vents in the skirt to allow air to escape, or (ii) metal on the exterior of the deep fryer connected to the metal pan. Pentalpha's accused deep fryers have both ventilation holes in the skirt and metal on the exterior of the deep fryer connected to the metal pan.

Hon. Stephen C. Robinson
September 29, 2009
Page 2

I have spoken with Norman Zivin, Esq., counsel for SEB, who has advised me that he cannot take any position on our request for a conference because he has not see the papers. We are providing by hand a copy of our papers that we yesterday presented to the Court to the attorneys for SEB.

We request that the Court file this letter with the Clerk on or before October 1, 2009 to create a record of our request for relief under Rule 60(b).

Respectful y yours,

William Dunnegan
William Dunnegan

Cc: Norman Zivin, Esq.
(By Hand With Enclosures)

DECISION GRANTED
Stephen C Robinson
HON. STEPHEN C. ROBINSON

*Leave to file motion is
granted
9/30/09*

DUNNEGAN LLC